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SUBJECT: DUTCH MAINTAIN LEGALIZED PROSTITUTION IS TOOL TO
FIGHT TIP

REF: (A) THE HAGUE 334

- (B) THE HAGUE 829
- (C) 05 THE HAGUE 0601
- (D) THE HAGUE 399
- (E) THE HAGUE 453
- (F) THE HAGUE 913

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11. (SBU) Summary. In meetings with visiting G/TIP legal and research consultant Luke Goodrich May 8 and 9, government, police, and NGO representatives indicated that, overall, legalization of prostitution has helped municipal authorities fight crime, including trafficking in persons (TIP), in the prostitution sector, but also suggested ways to strengthen regulation and police controls. Many stated that the number of prostitutes has not increased since legalization and stressed that they viewed prostitution and TIP as distinct issues. Several expressed the view that the extent of TIP in the legalized sector was limited, but also acknowledged that police controls were not foolproof and could miss a significant number of victims. Many also praised the new government-sponsored outreach campaign that alerts prostitutes and their clients to the signs of trafficking and urges them to report potential victims. End Summary.

Local Views in Amsterdam and The Hague

12. (SBU) The 2000 law that lifted the ban on brothels gave municipalities responsibility for regulating prostitution. Amsterdam city councilor Karina Schaapman and municipal officials responsible for regulating The Hague's licensed sex establishments provided a local perspective on how those cities handle regulation. They asserted that legalization had helped both cities fight criminal activity in the regulated sector and reduce the number of TIP victims by opening a crucial window into the world of prostitution. They conceded that there could still be a lot of TIP victims within the regulated prostitution sector, but expressed much more concern about unregulated sectors, such as escort services. They credited the Public Administration Integrity Act (BIBOB), which allows municipalities to check the criminal background of license applicants, with giving local governments more power over the legalized sector.

13. (SBU) Schaapman, a former prostitute and vocal advocate

for improved social services for prostitutes, recently issued a report on the Amsterdam prostitution sector, with recommendations for strengthening Amsterdam's prostitution regulatory regime. She suggested steps the government could take to improve the social situation of prostitutes, help change the perception of women in society, and force clients into the legal sex sector. She stated that the 2000 legislation had not resulted in an increase in the number of TIP victims, and that the number of prostitutes and brothels in Amsterdam had not increased since 2000 - though there had been a shift in the nationality of the prostitutes. Schaapman stated that Amsterdam needs more police to patrol the red light district and that police controls should be conducted more frequently and more thoroughly. She said that police controls sometimes rely heavily on document checks to determine whether prostitutes are underage or are illegal immigrants; she expressed concern that a TIP victim might go undiscovered because of convincingly forged documents. However, she also lauded the police for pushing the boundaries of what they are legally allowed to do to detect TIP victims and illegal aliens working in the unregulated escort sector. She said the increased focus on terrorism had made it harder to obtain resources for other police initiatives, including expanded prostitution controls.

14. (SBU) Schaapman's main concern is with the unregulated prostitution sectors. She welcomed the fact that Amsterdam is developing an escort service licensing system, as The Hague has already done, but noted that the city would need additional funding and personnel to implement the policy. She stressed that technology such as mobile phones and web cams made it easier to start a sex business, and harder for governments to monitor them. She also expressed frustration with the prostitutes themselves, many of whom do not pay taxes, stating that there was a lot of money in the business that was not getting to the government. She supported Amsterdam's decision to build a health center for

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prostitutes and a prostitution expertise center for police within the red light district. She said she was pleased that the city had limited the red light district by purchasing houses located there and not allowing their use for window prostitution. In response to questioning, she acknowledged that the red light district was a tourist attraction, adding that she did not approve of that.

15. (SBU) Schaapman stressed that TIP was not a result of Dutch prostitution policy, but a worldwide problem that she believed unlikely to be eliminated. Nevertheless, she added that the Dutch brothel law provided needed information to control the sector; if it were outlawed, she said, that information would be lost. She mentioned that she had heard Sweden had a large illegal prostitution market where there is little knowledge of what happens. She argued against adoption of a Swedish-style system, because it would result in the loss of a lot of valuable information. She noted that one drawback of legalization is that when prostitution is legal, people conclude that it is also normal; she suggested it was important for the government to send the message that although prostitution is legal, it is not normal. Schaapman said that Amsterdam and Rotterdam had closed their street-walking zones, as have many other municipalities, because of their vulnerability to exploitation and drug addicts. In Amsterdam, she stated, a high percentage (60% in one raid) of prostitutes in the street-walking zones had been found to be TIP victims, while raids on street-walking zones in Rotterdam had not found TIP victims. [Note. Amsterdam's street-walking zone was closed in December 2003. End Note.]

Regulation in The Hague

16. (SBU) A panel of The Hague city officials headed by Rob

Coster, former National Police Coordinator on Trafficking and Prostitution and founder of The Hague police prostitution screening team, explained that legalization had allowed the city to impose strict requirements on sex businesses within The Hague police region, the third largest by population in the country. When brothels were legalized in 2000, city officials capped the number of licenses for sex businesses at 100, the number of such establishments in 1999. Licenses are approved by the Mayor, and are valid for one year. Bart Ludwig, the Mayor's policy advisor, said that as a result of the additional controls available under the BIBOB law, The Hague was now considering making licenses valid for two years. Escort services are regulated under The Hague's licensing system. The street-walking zone was recently closed.

17. (SBU) Coster credited the 2000 law for giving The Hague officials the tools to reduce crime in the sex industry. He said it was clear that the current approach that regulates prostitution was better with regard to TIP than the "closed system" that existed prior to 2000. Within the first three months of the lifting of the ban on brothels, The Hague closed 10 to 20 brothels for violations of license requirements; they continue to close 2 to 3 every year for various crimes, including the presence of a minor, or of an illegal or trafficked worker. Less severe violations are penalized with warnings or with a temporary closure of the establishment, usually for one or three months. The Hague imposes temporary closures three to five times per year, but as these penalties impose a major financial burden on the owners, most establishments strive to remain compliant. Coster said that The Hague was one of the strictest cities in the Netherlands when it comes to enforcing regulations on legalized prostitution. Other municipalities, particularly rural ones such as Groningen, are less experienced with regulating the sex industry, or are more lenient. Coster suggested that The Netherlands should adopt a national enforcement policy to prevent criminal enterprises from simply relocating to areas where enforcement is weaker.

18. (SBU) Police controls in The Hague police district are conducted by a specialized force comprised of 19 officers who receive nearly one year of training in areas such as document screening, identifying TIP victims, and child pornography. These officers team with local police to cover the 16 municipalities in the district. The police conduct unannounced investigations of sex establishments at all times of day. Some visits are more in depth than others;

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according to Coster, police develop a feel for which establishments require closer scrutiny. Inspections can include questioning the owner, inspecting the rooms for compliance with health and safety codes, interviewing the prostitutes and checking their documents. If there is a question about the validity of a document, the officers can go to Schiphol airport to consult with Immigration document experts. When asked about the large number of foreign-born prostitutes with apparently legitimate documentation, Coster conceded that it was possible that a large number of such women are potential victims. He added that many women, attracted by the money they could make, knowingly pay for false documentation. [Comment. As noted by other contacts, not all foreign-born prostitutes with false documents have been trafficked. End Comment.]

19. (SBU) According to Coster, police who conduct prostitution controls spend a lot of time on the street, in order to build trust with the prostitutes. Immediately after legalization, The Hague police visited sex establishments every day. Now that city officials and police are confident that they have very good control over the sector, they inspect at least once a month. Coster said that the police across the country receive the same training on how to conduct controls, adding that he had trained them himself as National Police Coordinator on Trafficking and

Prostitution. Coster and Ludwig both felt that The Hague is effectively controlling the sex industry and added that some sex businesses, especially those in border cities, have moved out of The Netherlands because of the strict requirements they face under regulation. Coster also acknowledged that legalization means the government has two sectors to deal with (the licensed and unlicensed) instead of just one illegal industry, and that the government needs additional capacity and alternative strategies to deal effectively with the unlicensed sector. He noted that government failure to adequately investigate and prosecute violations in the unlicensed sector would result in the licensed sector facing unfair competition and losing the incentive to comply with licensing restrictions.

National TIP Center Highlights Police Techniques

¶10. (SBU) Warner Ten Kate, National TIP Prosecutor, and Rene Nuijten, Deputy Head of the North and East Netherlands Police, provided an overview of the National Expertise Center for Human Trafficking and Smuggling (EMM), the interagency resource center for TIP investigations and prosecutions that opened in mid-2005. Hank Werson, the head of the unit responsible for training police to conduct prostitution controls and detect trafficking victims stated that police nationwide are required to make surprise inspections of licensed operations at least six times per year. Over 500 police officers have been trained to conduct the inspections. He said that an interview kit had been developed in 2004 to train officers on appropriate methods to question prostitutes to gain their trust and avoid degrading them.

¶11. (SBU) Echoing The Hague officials, Werson stressed that spending time on the streets to build credibility with prostitutes was crucial. Werson added that the high mobility of some prostitutes made building trust more difficult. He expressed hope that the Expertise Center's centralized database of police reports on potential TIP cases would improve coordination between police districts to reduce the adverse impact of mobility on investigations. He stated that each time police inspect a licensed sex establishment, officers talk to every prostitute in the establishment and provide them with their business cards with a phone number where they can be reached at all times. Werson reported that he recently had accompanied The Hague police on brothel inspections and was present when they received a tip from a prostitute about a minor working in another club. As a result of that tip, the police were able to remove the minor and close the club. Werson attributed the success of the investigation to the trust built up between the police and the prostitute.

National Victim Registrar Helps Train Police

¶12. (SBU) When police discover a TIP victim, they contact

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the Foundation Against Trafficking in Women (STV), the national registration office for TIP victims. STV registers the victims and coordinates with a network of service providers to place them in appropriate shelters and provide social services. STV also participates in police training to instruct the police on how to deal with trafficking victims. Director Maria de Cock stressed that STV considered trafficking to be totally different from prostitution. She said that STV does not request the police to provide information on the type of establishments (i.e., licensed or unlicensed) in which trafficking victims are found. She said that legalization is an ongoing process, noting that prostitution had always been linked to criminal activities, and it would therefore take time to make it a "clean" business. She said that the increase in the number of identified victims since 2000 was not necessarily an

indication that there were more TIP victims in the country. Rather, she suggested, improved cooperation among police, government authorities and the STV since 2000 had helped to better identify those victims that are here.

National Government Perspective

¶13. (SBU) Goodrich asked officials from the Ministries of Justice (MOJ) and Foreign Affairs (MFA), about the ongoing MOJ study on the impact of the lifting of the ban on brothels in 2000. MOJ Senior Policy Advisor Sasja Hulscher, who sits on the study steering committee, said that results are not yet available, but that preliminary results are expected by July. She added that the committee is already trying to anticipate some of the findings, and proactively develop legislative proposals to rectify possible weaknesses in the current legislation.

¶14. (SBU) Andre van Wiggen, Deputy Director of the MFA's Terrorism and New Threats division (which handles TIP issues) protested attempts to link prostitution with trafficking, stressing that the GONL considers legalization a domestic policy matter. The government would continue to assess the policy as needed to ensure that it was working as intended. Referring to the recent United Nations Office on Drugs and Crime (UNODC) report on global trafficking trends, he further stated that because the Dutch are so open and maintain and publish such thorough statistics, they are often unfairly singled out for criticism and analysis. The focus, he said, should be on strengthening cooperation to combat TIP, citing the anti-TIP cooperation item in the 2005 bilateral "Next Steps" law enforcement action plan as a good example of such cooperation.

TIP Rapporteur: No Rise in TIP victims in Sex Sector

¶15. (SBU) Asked about municipal regulation of prostitution businesses, senior staff of the office of the National Rapporteur for Trafficking in Persons stated that municipalities are free to keep licensed sex businesses out through administrative licensing policies, but not for moral reasons alone. They also stated that the question of whether prostitution had increased or decreased as a result of legalization was irrelevant - if it is regulated and legal, the size of the prostitution sector was not a concern. The Rapporteur does not report on the number of TIP victims identified in the legal and the illegal prostitution sectors; the Rapporteur relies on information from public prosecutors and police, who do not provide this information, and the Rapporteur does not specifically request it. The staff noted that, from their perspective, the trend in trafficking within the sex industry as a whole was of more interest, and they have not seen a rise in that trend. Referring to the rise in the number of TIP victims registered by STV since legalization in 2000, the Rapporteur staff stated that it was unclear whether this rise was due to the inclusion of Dutch victims in the more recent statistics, increased police attention to the legalized sector, or an actual rise in the number of victims. [Note. Under Dutch TIP law, internal victims are included in TIP statistics. End Note.] They stated that they are increasingly realizing that "numbers are relative," and that it is very difficult to discern actual trends from available statistics. The staff stressed that all economic sectors are susceptible to TIP and that all should be looked at evenly, and they lamented the special focus that is often

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placed on prostitution.

Scarlet Cord: Prostitutes Attracted by the Money

¶16. (SBU) Toos Heemskerk of the Scarlet Cord, a faith-based

NGO that provides assistance to prostitutes, told Goodrich that high prices for prostitution, together with laws in the Netherlands make prostitution an attractive option for women from foreign countries who want to make lots of money in a short time. The problem, according to Heemskerk, is that many women attracted by the money actually end up with large debts, and then find it very difficult to leave prostitution or to profit as much as they had expected. This could be due to a variety of factors, such as family members at home that depend on the money, over-spending, taking out loans to get false documents, or becoming indebted to the smuggler or trafficker who assisted them, she said. Heemskerk added that it was difficult for the police to detect those who had come voluntarily, but then found themselves "trapped" in prostitution because of debt. Heemskerk, who has worked with prostitutes in the red light district of Amsterdam for almost 10 years, stated that she hasn't noticed any growth in the number of window prostitutes over that time. She said she did not know whether there had been growth in sex clubs. Heemskerk appreciated GONL funding of programs to help prostitutes get out of the business, but suggested the government should provide more such funding. She echoed Schaapman's criticisms that too few police work in the red light district and that many prostitutes and brothel owners do not pay taxes; she suggested that the BIBOB law would improve the situation. Heemskerk suggested the government should assist prostitutes by imposing a requirement that all brothel owners post a sign with a number prostitutes can call for help, and a requirement that each municipality establish a program to help prostitutes leave the sex industry. She echoed the comments of several others that government programs like the campaign to educate clients about TIP and the anonymous TIP reporting line were positive steps.

Criminologist: 'Loverboys' are Pimps

¶18. (SBU) Utrecht criminologist Frank Bovenkerk told Goodrich that Dutch women exploited by "loverboys" are essentially victims of trafficking by modern-day pimps, with whom they have a complex, dysfunctional relationship, sometimes involving physical violence. He was critical of police controls on the legalized prostitution sector, in particular their capacity for detecting "loverboys." He said that police have sufficient powers to take action against "loverboys," and suggested that a few high-profile prosecutions under current laws would help deter the phenomenon. He added that some of the beat police who patrol Amsterdam's red light district complain that there is insufficient follow-up to criminal complaints received from prostitutes and passed on to the vice squad.

¶19. (SBU) Comment. Dutch officials have consistently maintained that the lifting of the ban on brothels in 2000 was intended as a tool to fight trafficking in persons in the prostitution sector. While government, police and NGO contacts acknowledged that the regulated sector is not completely free of trafficking victims, there was consensus, even among those critical of police controls, that the controls had resulted in the reduction of overall criminality, and in the number of trafficking victims in that sector. None suggested that the legalization of prostitution had led to any measurable increase in the number of TIP victims or prostitutes in the country. End Comment.

Arnall